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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,237	04/26/2000	Reuven Battat	47185/93889	1598

7590

01/29/2004

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EXAMINER

CALDWELL, ANDREW T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,237

Applicant(s)

BATTAT ET AL.

Examiner

Andrew Caldwell

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Remarks

Claims 1-3 are pending.

Election/Restrictions

Applicant's election without traverse of the invention of Group I in the response filed on December 5, 2003 (paper no. 6) is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Purcell et al., U.S. Patent No. 6,260,158, and the Computer Dictionary, 3rd ed., Microsoft Press, p. 359, 1997.

Regarding claim 3, Housel anticipates the claimed invention by disclosing peer processors that each detect a connection outage between them, saving the transactions

1 during the outage, and then propagating the transactions between the systems after the
2 connection between the peers is restored (Fig. 2; col. 5 line 66 to col. 6 line 6). The
3 Microsoft Press computer dictionary teaches that in a peer-to-peer architecture (see
4 definition), such as the I2O architecture disclosed in Purcell, a peer is capable of acting
5 as a server to others in the network. When acting one peer acts as a server, the other
6 peer requesting a service is acting as a client. Purcell, as explained by the Microsoft
7 Press Computer Dictionary, therefore anticipates the claimed method.

8
9 ***Claim Rejections - 35 USC § 103***

10 Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over
11 Olson et al., U.S. Patent No. 5,987,376, in view of Roseman, U.S. Patent No.
12 6,012,984.

13
14 Regarding claim 1, Olson teaches the invention substantially as claimed by
15 disclosing a method comprising:

16 Transmitting a game data from a server application to a client application
17 (col. 8 lines 40-42);

18 Transmitting a state update from the server application to the client
19 application (col. 10 lines 11-16 state updatecol. 8 line 65 to col. 9 line 1; col. 9
20 lines 30-33);

21 Synchronizing the game data and the state update between the server
22 application and the client application (col. 9 lines 44-49 and 58-61);

Updating the game data after the step of synchronizing (col. 10 lines 1-5
an already admitted player computer modifies/updates its game data).

Olson does not explicitly teach a method wherein the game is implemented using
object oriented techniques such that the game data is an object, the game state is an
object state, and the step of updating the object is done by invoking a server application
method.

Roseman on the other hand teaches a game system implemented using object
oriented programming techniques (col. 8 lines 29-40; col. 9 lines 23-28 and 40-44).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the system of Olson to use Roseman's object oriented
programming techniques to implement Olson's gaming system. This modification would
have been obvious using object oriented programming would increase the
maintainability of the Olson's gaming code. In the modified system, the game data
would be an object and the state update would be an object state, thereby teaching the
first three steps of the claim. As to the limitation that the step of updating the object is
done by invoking a server application method, this limitation flows logically from the
concept of encapsulation, which is the object oriented programming technique of
keeping together data structures and the methods (procedures) which act on them.
When an already admitted player computer would update its game object, it would have
to do so through a game object method. Accordingly, the combination of Olson in view
of Roseman teaches a method wherein the step of updating the object is done by
invoking a server application method.

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Regarding claim 2, Olson teaches a method further comprising resynchronizing the object and object state between the server application and the client application after the updating step (col. 10 lines 1-5 other clients participating in the game send their state update after modifying their game data).

Conclusion

A shortened statutory period for response to this action is set to expire **three months** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by phone fail, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.



Andrew Caldwell
703-306-3036
January 24, 2004